

Before the  
**Federal Communications Commission**  
 Washington, D.C. 20554

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 FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In the Matter of ) MM Docket No. 93-188  
 ) RM-8278  
 Amendment of Section 73.202(b) )  
 (Table of Allotments) )  
 FM Broadcast Stations )  
 )  
 Westbrook, Maine )  
 (WYNZ) )

TO: Chief, Mass Media Bureau  
 Policy and Rules Division  
 Allocations Branch

**REQUEST FOR APPROVAL OF WITHDRAWAL  
 OF PETITION FOR RULE MAKING OF  
 SAGA COMMUNICATIONS OF NEW ENGLAND, INC.**

Saga Communications of New England, Inc. ("Saga"), by its attorneys, as successor-in-interest to the Petitioner in this Docket, and pursuant to Section 1.420(j) of the Rules, requests Commission approval to withdraw its Petition for Rulemaking and its Comments on the Notice of Proposed Rule Making, 8 FCC Rcd 4747 (1993), whereby the Commission proposed allotting Channel 265B1 to Westbrook, Maine, and modifying the license of WYNZ<sup>1</sup>, Westbrook, Maine, to operate on the upgraded channel.

<sup>1</sup> On July 8, 1993, the assets and license of WYNZ-FM were acquired by Saga Communications of New England, Inc., from Buckley Broadcasting Corporation of Maine, the Petitioner in this docket. Therefore, this pleading is being filed by the successor-in-interest to the Petitioner. By letter dated August 11, 1993, the Commission modified the call sign of WYNZ-FM to "WYNZ."

*CH*

On August 18, 1993, new rules went into effect that allow a licensee to seek a co-channel upgrade by filing a "one-step" application. Therefore, on August 18, 1993, Saga filed with the Commission an application on FCC Form 301 to upgrade WYNZ using the "one-step" application procedures. The application was assigned File No. BPH-930818IC. On December 23, 1993, the Commission wrote Saga a "30-day letter" requesting additional information with respect to the hypothetical reference site. The letter also advised Saga that the "rulemaking proceeding, having been filed prior to the present application, must be withdrawn or completed before processing can be completed on the present application." Saga is today filing its response to the Commission's letter.

In Comments filed September 3, 1993, Saga stated that if no petitions or applications were filed that would adversely affect Saga's one-step application to upgrade WYNZ, Saga would, by separate pleading, seek to withdraw its rule making petition. Consistent with that statement, and the Commission's letter of December 23, 1993, Saga herein seeks to withdraw its petition for rule making and expression of interest. Pursuant to Section 1.420(j) of the Rules, Saga has attached hereto a declaration<sup>2</sup> setting forth the information required by Section 1.420(j)(1)-(5) of the Rules.

WHEREFORE, Saga respectfully requests the Commission to approve its request to withdraw its petition for rulemaking to allot Channel 265B1 to Westbrook,

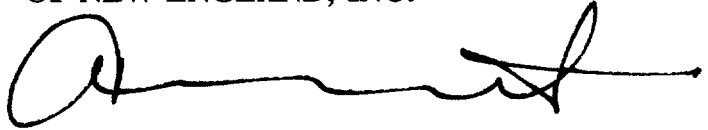
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<sup>2</sup> A facsimile is attached. The original declaration will be filed upon receipt by counsel.

Maine, and to modify the license of WYNZ for operation on that channel, so that  
Saga's "one-step" application (File No. BPH-930818IC) can be granted.

Respectfully submitted,

**SAGA COMMUNICATIONS  
OF NEW ENGLAND, INC.**

A handwritten signature in black ink, appearing to read 'Gary S. Smithwick', written over a horizontal line.

By:

Gary S. Smithwick  
Its Counsel

**SMITHWICK & BELENDIUK, P.C.**  
1990 M Street, N.W.  
Suite 510  
Washington, D.C. 20036  
(202) 785-2800

January 12, 1994

**ATTACHMENT**

01/12/94 15:15 ☎ 1 313 886 7150  
01/12/94 14:57 ☎ 202 785 2804

SAGA COMM DET →→→ SMITHWICK  
SMTHWK/BLNDK-DC


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### DECLARATION

Marcia K. Lobaito, under penalty of perjury, declares as follows:

1. I am Secretary of Saga Communications of New England, Inc. ("Saga").
2. Neither Saga nor its principals has received or will receive any money or other consideration in exchange for the withdrawal of its expression of interest in MM Docket 93-188.
3. There are no written or oral agreements with any other parties in connection with the withdrawal of Saga's expression of interest.


Executed this 11th day of January, 1994.

  
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Marcia K. Lobaito

**CERTIFICATE OF SERVICE**

I, Patricia A. Neil, a secretary in the law firm of Smithwick & Belendiuk, P.C., certify that on this 12th day of January, 1994, a copy of the foregoing was hand delivered to the following:

Ms. Kathleen Scheuerle  
Federal Communications Commission  
2025 M Street, N.W.  
Room 8314  
Washington, D.C. 20554

  
Patricia A. Neil